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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,249	04/25/2001	Kazuo Kuroda	Q64260	5288

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SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

DINH, MINH

ART UNIT PAPER NUMBER

2132

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/841,249

Applicant(s)

KURODA ET AL.

Examiner

Minh Dinh

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 25-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/14/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment filed 07/20/2006. Claims 25-28, 31-32, 34-35 and 37-38 have been amended.

### ***Response to Arguments***

2. Applicant's arguments filed 07/20/2006 have been fully considered but they are not persuasive. Applicant argues that Bell ("The Dynamic Digital Disk") describes a CSS (Content Scrambling System) employed for a reproduction-only medium (DVD-ROM), but fails to suggest that CSS is employed for a recordable information recording medium (page 9, 2<sup>nd</sup> paragraph). Applicant argues that since all data must be recorded at once for a DVD-ROM disk, the key and the data cannot be record at different time (page 8, last paragraph).

Oshima (EP 0 802 527 A1) discloses a DVD-RAM disk on which an encryption key has already been recorded in the lead-in area of the disk, i.e. the Burst Cutting Area (BCA), before encrypted data is recorded (figure 10; col. 11, lines 22-49). Therefore, Bell is relied upon only for the teaching of using CSS (Content Scrambling System) encryption scheme, which specifies that the encryption key must be protected (i.e., encrypted) and recorded in the lead-in area. Thus, one of ordinary skill in the art would recognize that

the CSS scheme could be applied to DVD formats other than DVD-ROM or DVD-Video as long as those formats provide for a lead-in area/BCA for key storing. In fact, using CSS scheme for a different DVD format such as DVD-RAM disks was already known in the art at the time of the invention. Tosaki et al (6,778,757), which was listed in form PTO-892 mailed 01/20/06, discloses that CSS scheme is employed for various DVD formats including DVD-RAM (col. 2, lines 65-67; col. 3, lines 57-67; col. 6, lines 21-28; col. 17, lines 47-56). Another prior art, Kawami et al. (6,788,757), also discloses employing CSS scheme for a DVD-RAM recording/reproducing system (figure 1 and corresponding text).

### ***Claim Objections***

3. Claim 31 is objected to because of the following informalities:  
"information I recorded" (line 7) and "thee encryption key" (line 10).  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having

ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oshima et al. (EP 0 802 527 A1) in view of Bell ("The Dynamic Digital Disk).

Regarding claim 31, which is representative of claims 25, 26, 34 and 37, Oshima discloses an apparatus for distributing encrypted record information to a recordable information recording medium, the recordable information recording medium comprising a record information recording area for recording distributed and encrypted record information, and an encryption key recording area in which the encryption key has already been recorded before the record information is recorded, the apparatus comprising:

a generating device for generating an encryption key, the encryption key being equal to the encryption key which has already been recorded before the record information is recorded (figures 1 and 10 and associated text);

an encrypting device which encrypts the record information (fig. 10);  
and

a distributing device which distributes the encrypted record information to an information recording apparatus through a telecommunications line, wherein the information recording apparatus

records the encrypted record information in the recordable information recording medium (fig. 10).

Oshima does not disclose using CSS (Content Scramble System) scheme for encryption. Bell discloses using CSS scheme in which a content encryption key is encrypted before being recorded in the lead-in area of a disk (p. 32, middle column, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Oshima apparatus to utilize CSS scheme for encryption, as taught by Bell, so that playback of the record information could only be done on compliant players.

Regarding claims 27-28, 32, 35 and 38, since the content encryption key is associated with the content, the content encryption key is common to every recording media recorded with the same content.

Regarding claims 29-30, 33, 36 and 39, Bell further discloses that the content encryption key is different for each manufacture (p. 32, middle column, 2<sup>nd</sup> paragraph).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,778,757 to Kawamae et al.

U.S. Patent No. 6,847,604 to Ueki

Glinka, "DVD-RAM Bridges Gap Between Requirements And  
Expectations – Technology Information"

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dinh whose telephone number is 571-272-3802. The examiner can normally be reached on Mon-Fri: 10:00am-6:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MD

Minh Dinh  
Examiner  
Art Unit 2132

MD  
9/21/06

  
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